



P/4976-36

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Marie-Claire GROSJEAN-COURNOYER et al.

Date: January 10, 2011

Serial No.: 10/587,801

Group Art Unit: 1616

Filed: July 31, 2006

Examiner: Pak, J. D.

For: FUNGICIDAL COMPOSITION COMPRISING A PYRIDYLETHYLBENZAMIDE  
DERIVATIVE AND A COMPOUND CAPABLE OF INHIBITING THE  
ERGOSTEROL BIOSYNTHESIS

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TERMINAL DISCLAIMER

Mail Stop Amendment – FEE  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This terminal disclaimer is submitted under Rule 321 (c) to obviate the possibility of a non-statutory double-patenting rejection over two patents, which is being filed in response to an office action of November 1, 2010, in reference to the above-identified patent application.

The fee of \$140 for a terminal disclaimer for a large entity under 37 C.F.R. § 1.20(d) is requested to be charged to Deposit Account No. 15-0700.

U.S. Patent Nos. 7,776,892 and 7,786,148 are assigned to Bayer CropScience AG, a corporation organized under the laws of Germany, having its principal place of business at Alfred Nobel Strasse 50, Monheim, Germany D-40789. Bayer CropScience AG thus holds a 100 percent interest in both the above-identified application and U.S. Patent Nos. 7,776,892 and 7,786,148, and disclaims, except as provided below, the terminal part of the statutory term of any

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patent granted on the instant application which would extend beyond the expiration dates of the full statutory term, defined in 35 U.S.C. §§ 154, 156, and 173 as shortened by any terminal disclaimer filed prior to the grant, of said U.S. Patent Nos. 7,776,892 and 7,786,148. The owner agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and said U.S. Patent Nos. 7,776,892 and 7,786,148 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory terms, as defined in 35 U.S.C. §§ 145 to 156 and 173, of said U.S. Patent Nos. 7,776,892 and 7,786,148, as shortened by any terminal disclaimer filed prior to their patent grants, in the event that such patent(s): (1) expire(s) for failure to pay a maintenance fee, (2) is (are) held unenforceable, (3) is (are) found invalid by a court of competent jurisdiction, (4) is (are) statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §§ 1.321, (5) has (have) all claims canceled by a re-examination certificate, (6) is (are) reissued, or (7) is (are) in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its (their) grant.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

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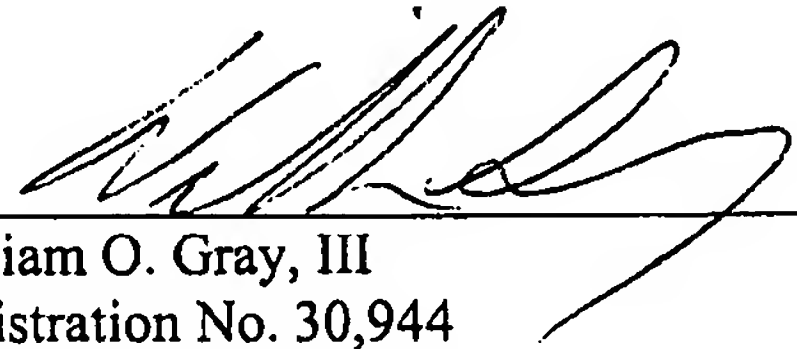
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I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application of any patent issued thereon.

The undersigned is an attorney of record.

Respectfully submitted,



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